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EXAMINER	
GOLD, AVI M	

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/652,502	WONG ET AL.	
	Examiner	Art Unit	
	AVI GOLD	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed on September 21, 2009. Claims 33-35, 39-44, 47-51, 55, and 56 were amended. Claims 33-56 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 33-38, 41-46, and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney, U.S. Patent No. 6,487,584 further in view of Armstrong et al., U.S. Patent No. 7,373,428.

Bunney teaches the invention substantially as claimed including a multiple personality internet account (see abstract).

As to claim 33, Bunney teaches a computer-implemented method for updating presence information for a user on a network, wherein the user accesses the network via a first client device and a second client device, the method comprising:

receiving a first client status identifier from the first client device, wherein the first client status identifier is one of the plurality of client status identifies; receiving a second client status identifier from the second client device, wherein the second client status identifier is one of the plurality of status identifiers (col. 1, lines 60-67, Bunney discloses an address a user has logged in with on a certain terminal);

populating a first client view with the first client status identifier and a second client view with the second client status identifier (fig. 3, Bunney discloses a table for each users multiple user profiles);

Bunney fails to teach the limitation further including prioritizing a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level; determining accurate presence information for the user, wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user when the first client status identifier has a higher priority level than the second client status identifier based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user when the second client status identifier has a higher priority level than the first client status identifier based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user when the first client status identifier and the second client status identifier have a same priority level based on the prioritized plurality of client status identifiers; populating a

master view with the accurate presence information for the user; and updating the presence information of the user with the accurate presence information.

However, Armstrong teaches the use of a hierarchy for contacting a watched party if the party is simultaneously available on more than one communication network (col. 4, lines 14-18), context presence according to rules (col. 12, lines 42-46, col. 17, lines 4-17), the use of various context presence values (col. 14, lines 16-21), and the ordering of raw presence data (co. 15, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney in view of Armstrong to prioritize a plurality of client status identifiers, wherein the prioritized plurality of client status identifiers is ordered from a lowest priority level to a highest priority level; determining accurate presence information for the user, wherein determining the accurate presence information for the user comprises: determining that the first client status identifier indicates the accurate presence information for the user when the first client status identifier has a higher priority level than the second client status identifier based on the prioritized plurality of client status identifiers; determining that the second client status identifier indicates the accurate presence information for the user when the second client status identifier has a higher priority level than the first client status identifier based on the prioritized plurality of client status identifiers; and determining that both the first client status identifier and the second client status identifier indicate the accurate presence information for the user when the first client status identifier and the second client status identifier have a same priority level based on the prioritized plurality of client status identifiers; populating a

master view with the accurate presence information for the user; and updating the presence information of the user with the accurate presence information. One would be motivated to do so because it allows the user to be logged onto multiple devices and it allows other users to find them based on their state.

Regarding claim 34, Bunney teaches the computer-implemented method of claim 33, the method further comprising:

receiving an updated client status identifier from the first client device; populating the first client view with the updated client status identifier, wherein the updated client status identifier is one of the plurality of client status identifiers (fig. 3, col. 7, lines 5-7; col. 9, lines 16-20);

determining the accurate presence information for the user comprising determining that the updated client status identifier has a higher priority level than the second client status identifier based on the prioritized plurality of client status identifiers (Bunney, col. 7, lines 5-7; col. 9, lines 16-20; Armstrong, col. 12, lines 42-46, col. 17, lines 4-17);

populating the master view with the updated client status identifier when the master view indicates accurate presence information for the user (Bunney, col. 7, lines 5-30, col. 9, lines 25-35; Armstrong, col. 12, lines 42-46, col. 17, lines 4-17); and

updating the presence information of the user with the accurate presence information (Bunney, col. 7, lines 5-30, col. 9, lines 25-35; Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Regarding claim 35, Bunney teaches the computer-implemented method of claim 33, the method further comprising:

receiving an updated client status identifier from the first client device, wherein the updated client status identifier is one of the plurality of client status identifiers;

populating the first client view with the updated client status identifier;

determining the accurate presence information for the user comprising determining that the second client status identifier has a higher priority level than the updated client status identifier based on the prioritized plurality of client status identifiers;

populating the master view with the second client status identifier wherein the master view indicates accurate presence information for the user; and

updating the presence information of the user with accurate presence information (Bunney, fig. 3, col. 7, lines 5-30; col. 9, lines 1-35; Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Regarding claim 36, Bunney teaches the computer-implemented method as defined in claim 33, wherein the plurality of client status identifiers includes one or more of: online, offline, away, invisible, busy, back soon, on phone, and at lunch (Bunney, col. 7, lines 5-30, Armstrong, col. 14, lines 9-20).

Regarding claim 37, Bunney teaches the computer-implemented method as defined in claim 33, wherein the first client view represents presence information of the first client device and the second client view represents presence information of the second client device as detected at an associated client (col. 9, lines 1-20).

Regarding claim 38, Bunney teaches the computer-implemented method as defined in claim 33, wherein updating the presence information of the user with the accurate presence information further comprises publishing the accurate presence information to subscribers (Armstrong, col. 12, lines 42-45).

Claims 41-46 and 49-54 do not teach or define any new limitations above claims 33-38 and therefore are rejected for similar reasons.

3. Claims 39 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney and Armstrong in view of Aravamudan et al., U.S. Patent No. 6,301,609.

Regarding claim 39, Bunney and Armstrong teach the computer-implemented method as defined in claim 33, further comprising:

receiving the first client status identifier of "online" from the first client device, wherein the first client status identifier is one of the plurality of client status identifiers;

receiving the second client status identifier of "online" from the second client device, wherein the second client status identifier is one of the plurality of client status identifiers;

populating the first client view with "online" and the second client view with "online";

determining the accurate presence information for the user comprising determining that the first client status identifier of "online" has a same priority level as the second client status identifier of "online" based on the prioritized plurality of client status identifiers, wherein the first client status identifier and the second client status identifier indicate the accurate presence information for the user;

populating the master view with "online";

receiving an updated client status identifier of "offline" from the first client device, wherein the update client status identifier is one of the plurality of client status identifiers;

populating the first client view with "offline" (Bunney, fig. 3, col. 7, lines 5-30; col. 9, lines 1-35, Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Bunney and Armstrong fail to teach the limitation further including wherein determining the accurate presence information for the user comprising determining that the second client status identifier of “online” has a higher priority level than the updated client status identifier of “offline” based on the prioritized plurality of client status identifiers; and maintaining "online" in the master view, wherein the master view indicates the accurate presence information for the user.

However, Aravamudan teaches the use of instant messaging in conjunction with access to data and communication network channels and modes (see abstract). Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Armstrong in view of Aravamudan wherein determining the accurate presence information for the user comprising determining that the second client status identifier of "online" has a higher priority level than the updated client status identifier of "offline" based on the prioritized plurality of client status identifiers; and maintaining "online" in the master view, wherein the master view indicates the accurate presence information for the user. One would be motivated to do so because it would result in the most accurate presence for a user.

Claim 55 do not teach or define any new limitations above claim 39 and therefore is rejected for similar reasons.

4. Claims 40, 47, 48, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney and Armstrong in view of Aravamudan et al., U.S. Patent No. 6,301,609, further in view of "official notice".

Regarding claim 40, Bunney and Armstrong teach the computer-implemented method as defined in claim 33, further comprising:

receiving the first client status identifier of "offline" from the first client device, wherein the first client status identifier is one of the plurality of client status identifiers; and

receiving the second client status identifier of "offline" from the second client device, wherein the second client status identifier is one of the plurality of client status identifiers;

populating the first client view with "offline" and the second client view with "offline";

determining the accurate presence information for the user comprising determining that the first client status identifiers of “offline” has a same priority level as the second client status identifier of "offline" based on the prioritized plurality of client status identifiers, wherein the first client status identifier and the second client status identifier indicate the accurate presence information for the user;

populating the master view with "offline";

receiving an updated client status identifier of "idle" from the first client device, wherein the updated client status identifier is one of the plurality of client status identifiers;

populating the first client view with "idle" (Bunney, fig. 3, col. 7, lines 5-30; col. 9, lines 1-35, Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Bunney and Armstrong fail to teach the limitation further including wherein determining the accurate presence information for the user comprising determining that the updated client status identifier of “idle” has a higher priority level than the second

client status identifier of “offline” based on the prioritized plurality of client status identifiers; populating the master view with "idle," wherein the master view indicates accurate presence information for the user; and updating the presence information of the user with the accurate presence information.

However, Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Armstrong in view of Aravamudan wherein determining the accurate presence information for the user comprising determining that the updated client status identifier of “idle” has a higher priority level than the second client status identifier of “offline” based on the prioritized plurality of client status identifiers; populating the master view with "idle," wherein the master view indicates accurate presence information for the user; and updating the presence information of the user with the accurate presence information. One would be motivated to do so because it would result in the most accurate presence for a user.

Bunney and Armstrong also fail to teach the use of the client status identifier of "idle".

“Official notice” is taken that both the concept and the advantages of a client status identifier being “idle” are well known in the art. It would have been obvious to one skilled in the art to use an idle setting when a user is away from the computer for a predetermined period of time.

Regarding claim 47, Bunney and Armstrong teach the computer-implemented method as defined in claim 41, further comprising:

receiving the first client status identifier of "online" from the first client device, wherein the first client status identifier is one of the plurality of client status identifiers; and

receiving the second client status identifier of "online" from the second client device, wherein the second client status identifier is one of the plurality of client status identifiers;

populating the first client view with "online" and the second client view with "online";

determining the accurate presence information for the user comprising determining that the first client status identifiers of “online” has a same priority level as the second client status identifier of "online" based on the prioritized plurality of client status identifiers, wherein the first client status identifier and the second client status identifier indicate the accurate presence information for the user;

populating the master view with "online";

receiving an updated client status identifier of "at lunch" from the first client device, wherein the updated client status identifier is one of the plurality of client status identifiers;

populating the first client view with "at lunch" (Bunney, fig. 3, col. 7, lines 5-30; col. 9, lines 1-35, Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Bunney and Armstrong fail to teach the limitation further including wherein determining the accurate presence information for the user comprising determining that the updated client status identifier of “at lunch” has a higher priority level than the second client status identifier of “online” based on the prioritized plurality of client status identifiers; populating the master view with "at lunch," wherein the master view indicates accurate presence information for the user; and updating the presence information of the user with the accurate presence information.

However, Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Armstrong in view of Aravamudan wherein determining the accurate presence information for the user comprising determining that the updated client status identifier of “at lunch” has a higher priority level than the second client status identifier of “online” based on the prioritized plurality of client status identifiers; populating the master view with "at lunch," wherein the master view indicates accurate presence information for the user; and updating the presence information of the user with the accurate presence information. One would be motivated to do so because it would result in the most accurate presence for a user.

Bunney and Armstrong also fail to teach the use of the client status identifier of "at lunch".

"Official notice" is taken that both the concept and the advantages of a client status identifier being "at lunch" are well known in the art. It would have been obvious to one skilled in the art to use an "at lunch" setting when a user is at lunch as it provides the same effect as a user being away from the computer or busy.

Regarding claim 48, Bunney and Armstrong teach the computer-implemented method as defined in claim 41, further comprising:

receiving the first client status identifier of "on phone" from the first client device, wherein the first client status identifier is one of the plurality of client status identifiers; and

receiving the second client status identifier of "offline" from the second client device, wherein the second client status identifier is one of the plurality of client status identifiers;

populating the first client view with "on phone" and the second client view with "offline";

determining the accurate presence information for the user comprising determining that the first client status identifiers of "on phone" has a same priority level as the second client status identifier of "offline" based on the prioritized plurality of client status identifiers, wherein the first client status identifier and the second client status identifier indicate the accurate presence information for the user;

populating the master view with "on phone";

receiving an updated client status identifier of "online" from the first client device, wherein the updated client status identifier is one of the plurality of client status identifiers;

populating the first client view with "online" (Bunney, fig. 3, col. 7, lines 5-30; col. 9, lines 1-35, Armstrong, col. 12, lines 42-46, col. 17, lines 4-17).

Bunney and Armstrong fail to teach the limitation further including wherein determining the accurate presence information for the user comprising determining that the updated client status identifier of “online” has a higher priority level than the second client status identifier of “offline” based on the prioritized plurality of client status identifiers; populating the master view with "online," wherein the master view indicates accurate presence information for the user; and updating the presence information of the user with the accurate presence information.

However, Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Armstrong in view of Aravamudan wherein determining that the updated client status identifier of “online” has a higher priority level than the second client status identifier of “offline” based on the prioritized plurality of client status identifiers; populating the master view with "online," wherein the master view indicates accurate presence information for the user; and updating the presence information of

the user with the accurate presence information. One would be motivated to do so because it would result in the most accurate presence for a user.

Bunney and Armstrong also fail to teach the use of the client status identifier of "on phone".

"Official notice" is taken that both the concept and the advantages of a client status identifier being "on phone" are well known in the art. It would have been obvious to one skilled in the art to use an "on phone" setting when a user is on the phone as it provides the same effect as a user being away from the computer or busy.

Claim 56 does not teach or define any new limitations above claim 40 and therefore is rejected for similar reasons.

Response to Arguments

5. Applicant's arguments with respect to claims 33-56 have been considered but are moot in view of the new ground(s) of rejection. The Shah reference is no longer being used and new reference Armstrong discloses portions of Bunney that applicant has argued in the most recent response.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,564,261 to Gudjonsson et al.

U.S. Pat. No. 6,519,639 to Glasser et al.

U.S. Pat. No. 6,148,328 to Cuomo et al.

U.S. Pat. No. 5,943,478 to Aggarwal et al.

U.S. Pat. No. 5,909,543 to Tanaka et al.

U.S. Pat. Pub. No. 2002/0198952 to Bell.

U.S. Pat. No. 6,463,471 to Dreke et al.

U.S. Pat. No. 5,825,864 to McGraw et al.

U.S. Pat. No. 5,757,901 to Hiroshige.

U.S. Pat. No. 6,697,840 to Godefroid et al.

U.S. Pat. No. 5,315,636 to Patel.

U.S. Pat. No. 6,678,719 to Stimmel.

U.S. Pat. No. 6,668,167 to McDowell et al.

U.S. Pat. No. 5,596,633 to Meier et al.

U.S. Pat. No. 6,389,127 to Vardi et al.

U.S. Pat. No. 6,473,098 to Wakai et al.

U.S. Pat. Pub. No. 2001/0042126 to Wong et al.

U.S. Pat. No. 6,658,095 to Yoakum et al.

U.S. Pat. No. 6,668,173 to Greene.

U.S. Pat. Pub. No. 2002/0019942 to Wakai et al.

U.S. Pat. No. 6,141,662 to Jeyachandran

U.S. Pat. No. 6,549,937 to Auerbach et al.

U.S. Pat. No. 5,764,639 to Staples et al.

U.S. Pat. No. 6,678,719 to Stimmel

U.S. Pat. No. 6,349,327 to Tang et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. G./

Examiner, Art Unit 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457